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UNITED STATES OF AMERICA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

OCT 25 2000
3 at 3 o'clock and 11 min. P.M.
WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. <u>CR00-00423</u>	DAE
)		
Plaintiff,)	INDICTMENT	
)		
vs.)	Bank Fraud	
)	[18 U.S.C. § 1344]	
FRANCISCO G. UPANO,)		
also known as)		
Frank Upano,)		
Defendant.)		

INDICTMENT

COUNTS 1-23

The Grand Jury charges:

1. Beginning on or about March 31, 1999 and continuing through on or about February 7, 2000, in the District of Hawaii, FRANCISCO G. UPANO, also known as Frank Upano, did knowingly execute, and attempt to execute, a scheme and artifice to defraud First Hawaiian Bank, a federally chartered and insured financial institution, and to obtain money, funds and credits owned by and under the custody and control of First Hawaiian Bank by means of

false and fraudulent pretenses and representations, all as more fully set forth below.

2. FRANCISCO G. UPANO worked as a bookkeeper and accountant for Davis Chow Interiors, LLC, an interior design firm in Honolulu, Hawaii. UPANO's duties included keeping the company's books, and preparing checks drawn on a business account maintained by Davis Chow at First Hawaiian Bank. UPANO diverted money from the Davis Chow account to his own use by doing the following:

a. UPANO prepared checks made payable to himself and obtained the signature of Davis Chow's owner, who was the only authorized signatory of the account. After the owner signed the checks, UPANO added digits or otherwise altered the numbers to increase the amount of the checks. UPANO thereby made it appear as if the checks were legitimate, when in fact they were not, and then obtained money from First Hawaiian Bank.

b. UPANO ordered a duplicate set of checks from the company which printed Davis Chow's checks. UPANO thereafter wrote checks to himself, and forged the signature of Davis Chow's owner. UPANO thereby made it appear as if the checks were legitimate, when in fact they were not, and presented them to First Hawaiian Bank to obtain money and credits to his account.

c. UPANO forged the signature of Davis Chow's owner on other company checks, and used those checks to buy cashier's checks and a money order from First Hawaiian Bank.

3. By virtue of the foregoing conduct, all of which was done without the consent or knowledge of the owner of Davis Chow, UPANO obtained approximately \$104,195.72 in money and credits belonging to, and under the care, custody and control of, First Hawaiian Bank.

4. On or about the dates set forth below, in the District of Hawaii, FRANCISCO G. UPANO did knowingly execute, and attempt to execute, the aforesaid scheme and artifice to defraud First Hawaiian Bank by presenting the following checks to First Hawaiian Bank for payment, with each such check constituting a separate count of this indictment:

<u>COUNT</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>PAYEE</u>
1	3/31/99	\$1,280.50	Frank Upano
2	4/15/99	\$1,297.00	Frank Upano
3	4/29/99	\$1,291.50	Frank Upano
4	5/27/99	\$1,255.75	Frank Upano
5	6/11/99	\$3,618.43	First Hawaiian Bank
6	6/15/99	\$2,291.50	Frank Upano
7	6/23/99	\$1,226.31	First Hawaiian Bank
8	6/29/99	\$2,269.50	Frank Upano
9	7/7/99	\$1,220.35	First Hawaiian Bank
10	7/13/99	\$1,435.00	First Hawaiian Bank
11	8/10/99	\$1,727.00	First Hawaiian Bank
12	8/31/99	\$1,297.00	Frank Upano
13	9/15/99	\$1,280.50	Frank Upano
14	9/27/99	\$1,250.00	Francisco G. Upano

<u>COUNT</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>PAYEE</u>
15	10/29/99	\$1,473.00	Frank Upano
16	11/9/99	\$2,500.00	Francisco G. Upano
17	11/15/99	\$1,500.00	Francisco G. Upano
18	11/16/99	\$2,750.00	Francisco G. Upano
19	11/30/99	\$1,484.00	Frank Upano
20	1/5/00	\$1,200.00	Francisco G. Upano
21	1/19/00	\$1,500.00	Francisco G. Upano
22	1/20/00	\$2,000.00	Francisco G. Upano
23	2/7/00	\$1,950.00	Francisco G. Upano


All in violation of Title 18, United States Code,
Section 1344.

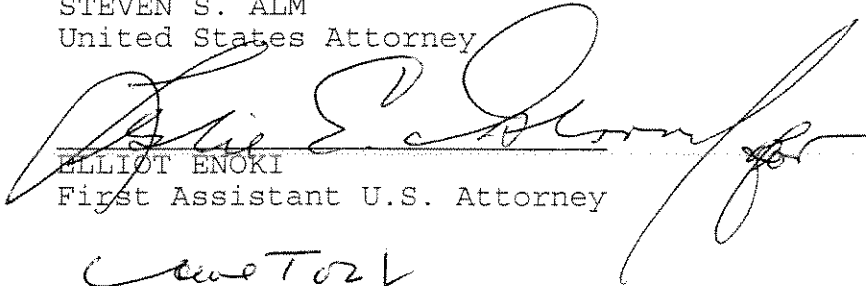
DATED: October 25, 2000, at Honolulu, Hawaii.

A TRUE BILL

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FOREPERSON, Grand Jury


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United States v. Francisco G. Upano,
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"Indictment"